UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/768,409	01/30/2004	Cynthia Kae Florkey	LUC-466/Florkey 16-10-24	6926

32205   7590   06/17/2008
PATTI, HEWITT & AREZINA LLC
ONE NORTH LASALLE STREET
44TH FLOOR
CHICAGO, IL 60602

EXAMINER
NGUYEN, KHAI N

ART UNIT	PAPER NUMBER
2614	

MAIL DATE	DELIVERY MODE
06/17/2008	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *30 January 2004*.

2a)☒ This action is **FINAL**.   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-25* is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-25* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Response to Amendment

1.   Applicant's amendment filed on March 14, 2008 has been entered. No claims have been emended. No claims have been canceled. The **new claim 25** has been added. Claims 1-25 are still pending in this application, with claims **1**, **18**, and **21** being independent.

Claim Rejections - 35 USC § 103

2.   The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

3.   Claims 1-20 and 22-24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzarella et al. (U.S. Patent Number 6,819,921 hereinafter "Mazzarella") in view of Moss et al. (U.S. Patent Number 6,785,372 hereinafter "Moss").

Regarding claim 1, Mazzarella teaches an apparatus and method, comprising:

a portability component that automatically updates one or more provisioning components (see Fig. 1) to port a directory number for a duration of time wherein a value for the duration of time comprises a date in the future, and wherein the directory number is not limited to wireless directory number (column 3, lines 5-9).

Although Mazzarella teaches a directory number portability for the wireless service providers, but there is <u>no mention</u> in the disclosure that the method is <u>limited to wireless directory number only</u>. On the contrary, for example, Mazzarella teaches the method of porting a directory number by using the local directory number (LDN) on the public switched telephone network (PSTN) (col. 3 lines 29-40).

Mazzarella teaches to port a directory number for a duration of time. However, Mazzarella does not specifically disclose the duration of time comprise a date in the future.

In the same field of endeavor, Moss teaches a method and apparatus to provide telephone services for a predetermined period of time (Moss - see abstract), and for a date in the future (Moss - col. 6 lines 29-30). The advantage of Moss et al is the notification timer that can be implemented as a programmable timer (i.e., to support <u>any service period length</u>) in the service control point (SCP) (Moss – Fig. 3, 53 Notification Timer, col. 3 line 67, and col. 4 lines 2-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the feature of programmable service period length (e.g. for a date in the future), as taught by Moss, into Mazzarella's method and system in order to enhance the customer service quality by providing the feature of porting a directory number for any service period length as desired.

Regarding claim 2, Mazzarella teaches upon accepted a request to port the

directory number, the portability component receives one or more identifiers associated

with one or more provisioning components and uses those identifier to notify the

provisioning components of the request to port the directory number (Fig. 1, col. 3 lines

10-15).

Regarding claim 3, Mazzarella teaches the request to port the directory number

comprises an association between the directory number and a location routing number,

the portability component provides the association to a management component, and

one or more network components cooperate to provide and/or terminate service for the

directory number (Fig.1, col. 3 lines 33-36).

Regarding claim 4, Mazzarella teaches the portability component communicates

with the ported-from provisioning component and ported-to provisioning component

through employment of the identifiers to terminate service and provide service for the

telephony device (Fig. 1, col. 3 lines 16-21).

Regarding claim 5, Mazzarella teaches the portability component cooperates with

the provisioning component of the first service provider and the provisional component

of the second service providers to port the directory number from the first service

provider to the second service provider (Fig. 1, col. 3 lines 29-32).

Regarding claim 6, Mazzarella teaches the portability component cooperates with the ported-from provisioning component to terminate the access to the first set of services by the telephony device, and with the ported-to provisional component to provide access to the second set of services by the telephony device (Fig. 1, col. 3 lines 46-48).

Regarding claim 7, Mazzarella teaches upon expiration of the duration of time, the portability component in combination with one or more provisioning components port the directory back to the initial state (col. 4 lines 41-45). It is well known by those skilled in the art that service order cancellation will be automatically activated and the ported directory will be back to the initial state if there is no response from the subscriber.

Regarding claim 8, Mazzarella teaches the ported-to provisioning component initiates a request to the portability component to port the directory number; the portability component notifies the ported-from provisioning component of the request (col. 3 lines 46-50).

Regarding claim 9, Mazzarella teaches a subscriber database that comprises a subscriber entry for the directory number (col. 2 lines 42-45); the portability component and the ported-from provisioning component cooperate to change the subscriber entry

in the subscriber database from the initial state to a ported state and from ported state

to initial state (col. 4 lines 1-8).

Regarding claim 10, Mazzarella teaches upon the portability component and the

ported-from provisioning component cooperate to change the subscriber entry in the

subscriber database, the subscriber database and the switch component cooperate to

restart the service at the network for the telephony device associated with the directory

number (col. 4 lines 9-12).

Regarding claims 11-12, Mazzarella teaches the subscriber database and the

switch component cooperate to notify one or more callers and a user of the telephony

device associated with the directory number of a period of time remaining until the

expiration of the time to port the directory number (col. 4 lines 31-37).

Regarding claims 13-15, Mazzarella teaches a timer component that determines

an expiration of the duration of time to port the directory number based on the value for

the duration of time (col. 3 lines 33-40); and upon receipt of the notification from the

timer component, and then the provisioning components port the directory number back

to initial state (col. 4 lines 31-37). Again, it is well known by those skilled in the art that

service order cancellation will be automatically activated and the ported directory will be

back to the initial state if there is no response from the subscriber.

Regarding claims 16-17, Mazzarella teaches the portability components employs the interfaces to receive the identifiers and a value of the duration of time (col. 4 lines 1-8); and upon an expiration of the duration of time, the portability component removes the association between the directory number and the location routing number (LRN), wherein a telephony device receives service associated with the directory number and/or location routing numbers (col. 4 lines 9-26).

Regarding claim 18, Mazzarella teaches a method, comprising the step of:

automatically updates one or more provisioning components (see Fig. 1) to port a directory number for a duration of time, wherein a value for the duration of time comprises a date in the future, and wherein the directory number is not limited to wireless directory number (column 3, lines 5-9).

Although Mazzarella teaches a directory number portability for the wireless service providers, but there is <u>no mention</u> in the disclosure that the method is <u>limited to wireless directory number only</u>. On the contrary, for example, Mazzarella teaches the method of porting a directory number by using the local directory number (LDN) on the public switched telephone network (PSTN) (col. 3 lines 29-40).

Mazzarella teaches to port a directory number for a duration of time. However, Mazzarella does not specifically disclose the duration of time comprise a date in the future.

In the same field of endeavor, Moss teaches a method and apparatus to provide

telephone services for a predetermined period of time (Moss - see abstract), and for a

date in the future (Moss - col. 6 lines 29-30). The advantage of Moss et al is the

notification timer that can be implemented as a programmable timer (i.e., to support <u>any</u>

<u>service period length</u>) in the service control point (SCP) (Moss – Fig. 3, 53 Notification

Timer, col. 3 line 67, and col. 4 lines 2-4).

Therefore, it would have been obvious to a person of ordinary skill in the art at

the time the invention was made to incorporate the feature of programmable service

period length (e.g. for a date in the future), as taught by Moss, into Mozzarellas' method

and system in order to enhance the customer service quality by providing the feature of

porting a directory number for any service period length as desired.

Regarding claim 19, Mazzarella teaches a method, comprises the steps of:

receiving a request to port the directory number; request comprises one or more

identifiers associated with one or more provisioning components (Fig. 1, col. 3 lines 10-

15); a value for the duration of time (col. 3 lines 33-40); and an association between the

directory number and a location routing number (LRN) (col. 4 lines 9-12);

providing the association to the provisioning components through employment of

the identifiers upon receipt of the request (Fig. 1, col. 3 lines 16-21);

setting a ported-out flag associated with the directory number (col. 4 lines 16-18);

determining an expiration of the duration of time through employment of the

value of time (col. 4 lines 31-32);

notifying the provisioning components through employment of the identifiers upon the expiration of time (col. 4 lines 1-8);

clearing the ported-out flag associated the directory number upon the expiration of time (col. 4 lines 16-19).

Regarding claim 20, Mazzarella teaches a method further comprising the steps of:

porting the directory number from first service provider to the second service provider (col. 3 lines 10-16);

terminating service for telephony device associated with the directory number of the first service provider if no response from the subscriber (col. 4 lines 33-37);

providing service for the telephony device by the second service provider (col. 4 lines 19-22);

receiving a notification of the expiration of time (col. 4 lines 31-37);

porting the directory number from first service provider to the second service provider (col. 3 lines 10-16);

terminating service for the telephony device associated with the directory number with the second service provider (col. 4 lines 16-18);

providing a message indicating the expiration of time to a user of the telephony associated with the directory number (col. 4 lines 37-40).

Regarding claims 22-24, Mazzarella discloses everything claimed as applied in claim 1 in order to port a directory number for a duration of time. Thus, <u>a permanent status</u> is automatically supported by the <u>inherent</u> design of Mazzarella's apparatus and method.

However, Mazzarella does not specifically disclose the value for the duration of time comprises a period of time and/or the date in the future.

In the same field of endeavor, Moss teaches a method and apparatus to provide telephone services for a predetermined period of time (Moss - see abstract), for a date in the future (Moss - col. 6 lines 29-30), or any service period length (Moss - col. 6 lines 42-43).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the feature of a period of time and the date in the future, as taught by Moss, into Mazzarella's method and system in order to enhance the customer service quality by providing the feature of porting a directory number for any service period length as desired.

4.   Claim 21 is rejected under 35 U.S.C. 103(a) as being unpatentable over Mazzarella in view of Petrunka (U.S. Patent Number 6,584,193), and further in view of Moss.

5.   Regarding claim 21, Mazzarella discloses everything claimed as applied above (see claims 1 and 18) in order to port a directory number for the duration of time. Thus,

a permanent status is automatically supported by the inherent design of Mazzarella's

apparatus and method, and the method is not limited to wireless directory number (see

claims 1 and 18 above).

However, Mazzarella does not specifically discloses the value for the duration of

time comprises a date in the future, and also fail to specifically disclose the invention is

readily implementable as one or more computer-readable signal-bearing media.

In the same field of endeavor, Petrunka discloses a method and system for using

the existing Local Number Portability (LNP) infrastructure to intercept all calls to a

subscriber and route them to a network platform. LNP is a telephony service that allows

subscribers to retain their directory number when they change service providers

(Petrunka - col. 3 lines 38-45). The advantage of Petrunka's invention is an article

(computer program product) with computer program code in combination with hardware

implements the method or process steps described, and this computer code is stored

on storage media (diskette, hard disk, CD-Rom, etc. – computer-readable signal-

bearing media, Petrunka - col. 5 lines 27-40). Additionally, the computer program code

can be transferred to the appropriate hardware over some type of data network

(Petrunka – col. 5 lines 41-43).

In addition, and in the same field of endeavor, Moss teaches a method and

apparatus to provide telephone services for a predetermined period of time (Moss - see

abstract), for a date in the future (Moss - col. 6 lines 29-30). The advantage of Moss et

al is the notification timer that can be implemented as a programmable timer (i.e., to

support any service period length) in the service control point (SCP) (Moss – Fig. 3 – 53

Notification Timer – col. 3 line 67, and col. 4 lines 2-4).

Therefore, it would have been obvious to person of ordinary skill in the art at the

time the invention was made to provide Mazzarella with an article, comprising: one or

more computer-readable signal-bearing media to implement the method or process

steps for automatically updating the provisioning components to port a directory number

for a duration of time comprises a date in the future, and to incorporate the feature of

programmable service period length, as taught by Moss, into Mazzarella's method and

system in order to enhance the customer service quality by providing the feature of

porting a directory number for any service period length as desired.

6.   Newly added claim 25 is rejected under 35 U.S.C. 103(a) as being unpatentable

over Mazzarella in view of Moss, and further in view of Moreman (U.S. Pub. No.

2005/0074110 A1).

7.   Regarding the newly added claim 25, Mazzarella and Moss disclose everything

claimed as applied above (see claims 1 and 3) in order to port a directory number for

the duration of time.

However, Mazzarella and Moss do not specifically disclose the employment of a

Session Initiation Protocol (SIP) **or** a Simple Network Management Protocol (SNMP).

Although both Mazzarella and Moss teach the public switch telephone network (PSTN)

and the suitable communications protocols (Mazzarella - col. 3 lines 29-40, and Moss –

Fig. 1, col. 4 lines 5-15).

In the same field of endeavor, Moreman teaches a system and a method that remotely switches telephony services from one service provider to another service provider according to local number portability (LNP), and employs simple network management protocol (SNMP) (See Moreman – Abstract, paragraph [0007] lines 1-13, and paragraph [0019] lines 5-11). The advantage of Moreman's system and method is customers can retain their previous telephone number without a disconnection in service when switch service provider (Moreman - paragraph [0008]).

It would have been obvious to a person of ordinary in the art at the time of the invention was made to apply a known technique to a known device (i.e., using SIP, SNMP protocols for porting a directory number in a communication network) ready for improvement to yield predictable results (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the use of SNMP protocol, as taught by Moreman, into the method and system of Mazzarella and Moss in order to enhance the porting of a directory number for a duration of time in a communication network.

Response to Arguments

8.   Applicants' arguments filed March 14, 2008 have been fully considered but they are not persuasive.

Regarding independent claims 1 and 18, Applicants' argument that: the combination of Mazzarella and Moss does not teach the limitations " - - - wherein a value for the duration of time comprises a date in the future, and wherein the directory

number is not limited to wireless directory numbers." (See page 12 and page 16 lines 1-4 of Applicants' Remarks).

The Examiner respectfully disagrees. As shown in the rejection above, Mazzarella discloses porting a wireless directory number for a duration of time (See Mazzarella – Fig. 1, column 3 lines 5-9), and the directory is not limited to wire less directory number since Mazzarella does not disclose the method is limited to wireless directory number only, and Mazzarella also discloses the method to use an unused local directory number on a public switched telephone network (PSTN, i.e., wire directory number) for porting a directory number (Mazzarella - Fig.1, column 3 lines 33-40). Again, as shown in the rejection above, Moss discloses a method to provide telephone services for a determined period of time and a date in the future (e.g., 30 days from the service installation date) (See Moss - column 6 lines 29-30). Therefore, Mazzarella and Moss combination does disclose each of the claimed limitations of independent claims 1 and 18.

In response to applicants' argument that the Mazzarella and Moss provide no motivation for the person of ordinary skill to combine the references, the Examiner recognizes that obviousness can only be established by combining or modifying the teaching of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992). In this case, Moss does suggest that the duration of

time can be implemented as programmable timer so that any service period length can be provided as desired (Moss – Figs 1-2, Fig. 3, 53 Notification Timer, column 4 lines 2-4, and column 6 lines 41-43), and It would have been obvious to a person of ordinary in the art at the time of the invention was made to <u>apply a known technique to a known device</u> (i.e., using a programmable timer to set a duration of time for porting a directory number) <u>ready for improvement to yield predictable results</u> (see KSR – MPEP 2143). Therefore, it would have been obvious to a person of ordinary in the art to incorporate the notification timer, as taught by Moss, into the method and system of Mazzarella in order to enhance the porting a directory number services in a communication network.

And therefore, the rejection of independent claims 1, 18, and their dependent claims 2-17, 19-20, and 22-24 is proper and maintainable.

Also, the rejection of claim 21 as being unpatentable over Mazzarella and Petrunka and Moss is proper and maintainable since the rejection under Mazzarella and Moss being proper.

Conclusion

9.   Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE

MONTHS from the mailing date of this action. In the event a first reply is filed within

TWO MONTHS of the mailing date of this final action and the advisory action is not

mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later

than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the

examiner should be directed to KHAI N. NGUYEN whose telephone number is

(571)270-3141. The examiner can normally be reached on Monday - Thursday 6:30AM

- 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's

supervisor, Ahmad F. Matar can be reached on (571) 272-7488. The fax phone number

for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the

Patent Application Information Retrieval (PAIR) system. Status information for

published applications may be obtained from either Private PAIR or Public PAIR.

Status information for unpublished applications is available through Private PAIR only.

For more information about the PAIR system, see http://pair-direct.uspto.gov. Should

you have questions on access to the Private PAIR system, contact the Electronic

Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a

USPTO Customer Service Representative or access to the automated information

system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/K. N. N./
Examiner, Art Unit 2614

06/11/2008

/Ahmad F. MATAR/
Supervisory Patent Examiner, Art Unit 2614